REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office action of June 4, 2004. Claims 36-54 have been withdrawn without prejudice. Claims 1-36 are pending in the application. Applicant thanks the Examiner for attending to this application.

The Office action required restriction of the claims of the application, for examination purposes, into groups I, II, III, and IV. During a telephone conversation with the Examiner on May 19, 2004, provisional election was made, without traverse, to prosecute the claims of group I (i.e., claims 1-36). The Office action noted the withdrawal of claims 37-54, and requested Applicant affirm its election to prosecute the claims of group I, which Applicant hereby affirms, without traverse.

Claims 23, 25, 27 and 29 have been amended to correct minor typographical errors. These amendments do not change the scope of these claims. Claim 36 was amended to slightly broaden an aspect of the claim.

The Office action rejected claims 1-36 under 35 U.S.C. 102(e) as being anticipated by Hurtado et al. (6,611,812) (hereinafter Hurtado). The Examiner provides pin-citations to Hurtado, for which Applicant is especially appreciative in view of Hurtado's length.

Hurtado and the present application are directed to two very different situations. Hurtado relates to a secure system where users can safely order digital content that they do not

already have, such as sound recordings of songs, and allow the distribution/downloading of the digital content only to authorized users. The present application discloses a system which identifies and authenticates digital content that a user already possesses. Because these two systems are directed to opposite situations, one where the user *does not have* the digital content at the start of the process and the other where the user *has* the digital content at the start of the process, the attempted reading of one system onto claims involving the other creates some inherent confusion. Accordingly, a fairly involved examination of the Examiner's application of the disclosure of Hurtado to the claims of the present application is required and follows.

Claim 1 of the application states,

1. In a system comprising a communications network connecting a plurality of network servers and a plurality of computers, a network server comprising:
a verification database comprising;
at least one master table of contents identifier corresponding to each of a plurality of sets of digitized content; and
at least one master songprint identifier corresponding to each of the plurality of sets of digitized content; and
wherein the network server is programmed to;
receive at least one of a plurality of selections of table of contents identifiers from at least one of the plurality of computers;
receive at least one of a plurality of songprint identifiers from the at least one of the plurality of computers.

The Examiner relies on two portions of Hurtado as disclosing the claimed "verification database." The first, col. 26, lines 45-64 states,

> Upon reception of the Order SC(s) 650 from the End-User Device(s) 109, the Clearinghouse(s) 105 verifies:
>
> 1. that the Electronic Digital Content Store(s) 103 has authorization from the Secure Digital Content Electronic Distribution System 100 (exists in the Database 160 of the Clearinghouse(s) 105);
> 2. that the Order SC(s) 650 has not been altered;
> 3. that the Transaction Data 642 and Symmetric Key 623 are complete and authentic;
> 4. that the electronic Store Usage Conditions 519 purchased by the End-User Device(s) 109 are consistent with those Usage Conditions 517 set by the Content Provider(s) 101; and
> 5. that the Application ID 551 has a valid structure and that it was provided by an authorized Electronic Digital Content Store(s) 103.
>
> If the verifications are successful, the Clearinghouse(s) 105 decrypts the Symmetric Key 623 and the Transaction Data 642 and builds and transfers the License SC(s) 660 to the End-User Device(s) 109 (step 606).

First, it is noted that as claimed in claim 1, the verification database is part of a network server. From this passage, it is apparent that the Examiner is reading Hurtado's Clearinghouse 105 on the claimed network server and the verification database it comprises.

The second portion of Hurtado the Examiner cites as disclosing the claimed "verification database." is col. 31, lines 55-64, which states,

> Content ID--A part that defines a unique ID assigned to a Content 113 item. There is more than one Content ID included in this part if the Metadata SC(s) 620 references more than one Content 113 item.

> Metadata--Parts that contain information related to a Content 113 item such as the artist name and CD cover art in the case of a song. There may be multiple metadata parts, some of which may be encrypted. The internal structure of the metadata parts is dependent on the type of metadata contained therein.

This passage is taken from a longer description of the contents of a Metadata Secure Container (SC) 620. However, this description is improperly linked with the claimed network server or verification database. In Hurtado, the Metadata SC is created by Content Providers 101 (see Figs. 1A and 6, col. 12, lines 14-30, col. 25, line 58 - col. 26, line 2, col. 61, line 25 - col. 65, line 67), is sent, as part of an Offer SC 641, by the Electronic Digital Content Store(s) 103 to the End-User Device 109 (Figs. 1B, 1C and 6, col. 12, line 65 - col. 13, line 8, col. 26, lines 2-32). After a user purchases the Content 113 identified by the Metadata SC 620, the End-User Device 109 sends an Order SC 650 to the Clearinghouse 105 (Figs. 1C, 1D and 6, col. 26, lines 33-44) where the Clearinghouse verifies the Order SC (col. 26, lines 45-64).

The greatly detailed disclosure of the verification performed by the Clearinghouse is set forth in Hurtado at col. 46, line 38 - col. 47, line 67. This Hurtado verification process is based on a system of digital signatures and digital certificates where data integrity can be verified by using data found in the data being verified itself and public keys. In this system, the only data stored at the Clearinghouse that may be, but is not always, used in this verification process of Order SCs is apparently information about digital certificates

issued by the Clearinghouse to Electronic Digital Content Stores and perhaps the Clearinghouse's private key. The other information used by the Clearinghouse in this verification is all found in the Order SC received by the Clearinghouse from the End-User Device, namely, public keys contained in the Order SCs, digests of information in the Order SCs, digest values in Bills of Material (BOMs) included in the Order SCs, and Store Usage Conditions 519 contained in the Order SCs. The only information used by the Clearinghouse in key processing after the verification of the Order SC apparently is the Clearinghouse's private keys and new watermarking instructions. Accordingly, the information in the metadata, including the Content ID is not stored in a database in the Clearinghouse, but rather is stored in the very data container (the Order SC) that is being verified and sent to the Clearinghouse by the End-User Device as part of the data (the Order SC) to be verified by the Clearinghouse.

The Examiner states that "at least one master table of contents identifier corresponding to each of a plurality of sets of digitized content" is taught by Hurtado at col. 20, lines 14-18 and col. 31, lines 55-64. Hurtado, at col. 20, lines 14-18, specifically states,

> 122 Metadata is captured from the Content Provider(s)' Database 160 by the Content Information Processing Subsystem using the Content Provider(s)' 101 unique identifier for the Content 113 and information provided by the Database Mapping Template.

Hurtado, at col. 31, lines 55-64, specifically states:

> Content ID--A part that defines a unique ID assigned to a Content 113 item. There is more than one Content ID included in this part if the Metadata SC(s) 620 references more than one Content 113 item.
>
> Metadata--Parts that contain information related to a Content 113 item such as the artist name and CD cover art in the case of a song. There may be multiple metadata parts, some of which may be encrypted. The internal structure of the metadata parts is dependent on the type of metadata contained therein.

The second passage above is taken from a section describing the contents of the Metadata SC. It would appear that the Examiner is attempting to read the "unique identifier for the Content 113" (Content ID) of Hurtado's metadata onto the claimed "master table of contents identifier corresponding to each of a plurality of sets of digitized content."

The Content ID in Hurtado is not a "master table of contents identifier." As is clear from the specification of the present application, this claim element refers to identifiers of table of contents (TOCs) of a master of a set of digitized content. (see, e.g., page 1, line 31 - page 2, line 1, page 3, line 24-30, page 4, line 30, page 5, line 26, page 6, lines 17-22). Hurtado's "Content ID" is an identifier of specific digitized content, not an identifier of table of contents data corresponding to digitized content. Applicant does not find any disclosure or suggestion in Hurtado of any tables of contents corresponding to digitized content or identifiers of such tables of contents.

Even if the Content ID of Hurtado is considered to disclose or suggest, in any way, the claimed "master table of contents identifier," the Content ID, as discussed in detail above, is not stored at the Clearinghouse. More particularly, Hurtado does not disclose or suggest a Content ID stored in a database at the Clearinghouse that is used in verification. Thus a Content ID cannot read on a "master table of contents identifier," or anything else, that is part of a verification database as in claim 1.

The first passage above is a general discussion of metadata and its capture from the Content Provider(s)' Database 160. First, as discussed above, the metadata of Hurtado, including Content IDs, does not include the "master table of contents identifiers" in claim 1. Even if it did, though, the Database 160 that contains this metadata is located at Content Providers 100, not Clearinghouse 105, and thus it is not in the claimed "verification database."

The Examiner next asserts that "at least one master songprint identifier" is taught by Hurtado at col. 12, lines 17-25, which states,

> As an example, metadata for a song may be a song title or song credits but not the sound recording of the song. The Content 113 would contain the sound recording. A Metadata Assimilation and Entry Tool 161 is used to extract metadata from the Content Provider(s)' Database 160 or data provided by the Content Provider(s) in a prescribed format (for a music example the Content 113 information such as CD title, artist name, song title, CD artwork, and more) and to package it for electronic distribution.

The "Metadata" of Hurtado includes song title, song credits, CD title, artist name, song title, CD artwork, and more. However, Hurtado specifically states that its "Metadata" would not include "the sound recording of the song" (a type of Content 113) (col. 29, lines 9-16).

This passage of Hurtado (or any other passage that Applicant could find) does not disclose or suggest a "songprint identifier" of claim 1. Song titles, song credits, CD titles, artist names, CD artwork and other metadata items disclosed in Hurtado are not songprints or songprint identifiers. One example of a songprint is "an identifying value computed from the CD audio data." See, Application, p. 5, line 4. Applicant could find nothing in Hurtado that disclosed or suggested anything even similar to a songprint, not to mention an identifier of a songprint.

Even if the metadata of Hurtado is considered to disclose or suggest, in any way, the claimed songprint identifier, the metadata is not stored at the Clearinghouse. More particularly, as discussed above, Hurtado does not disclose or suggest metadata stored in a database at the Clearinghouse that is used in verification. Thus, Hurtado metadata cannot read on a songprint identifier, or anything else, that is part of a verification database as in claim 1.

With respect to the two "receive" elements of claim 1, as discussed above, Hurtado does not disclose or suggest table of contents identifiers or songprint identifiers in any context. Further, the receive elements define capabilities programmed

into the claimed network server to which the Examiner has applied the Clearinghouse of Hurtado. Nevertheless, the Examiner's citations to Hurtado for these two elements do not relate to what types of data are received by the Clearinghouse (see col. 25, lines 24-67 and col. 31, lines 40-67).

In view of the foregoing remarks, it is respectfully submitted that Hurtado does not teach or suggest the invention of claim 1 and the rejection should be withdrawn and the claim allowed.

The Office action detailed rejections to claims 2-36. With respect to claims 2-22, as claim 1 is allowable, and because claims 2-22 depend from allowable claim 1, Applicant respectfully submits that these claims are also allowable. Applicant also respectfully declines to address each of the applications of Hurtado to the added elements of these dependent claims without acquiescing to them for the same reason. Indeed, most of these applications are inapposite because they apply Hurtado disclosures to the claims in the improper way done with respect to claim 1.

With respect to claims 23, 25 and 27, each are independent claims that include all of the elements of claim 1, except they change "songprint identifiers" to "selections of songprint identifiers" in the second "receive" element of claim 1 and each add an element not found in claim 1. Accordingly, Applicant respectfully submits that these claims are all also allowable for at least the reasons that claim 1 is allowable. It is also noted that the Examiner did not address the difference between

"songprint identifiers" and "selections of songprint identifiers." Applicant also respectfully declines to address the rejections of the added elements of these claims without acquiescing to them because these claims are allowable in any case for the reasons stated with respect to claim 1.

With respect to claims 24, 26 and 28, as claims 23, 25 and 27 are allowable, and because claims 24, 26 and 28 depend from allowable claims 23, 25 and 27, respectively, Applicant respectfully submits that these claims are also allowable. Applicant also respectfully declines to address each of the rejections of the added elements of these dependent claims without acquiescing to them for the same reasons.

With respect to independent claim 29, its two elements correspond generally to the two receive elements of claim 1 that are discussed above. As these elements are not disclosed or suggested by Hurtado as discussed above with respect to claim 1, Applicant respectfully submits that claim 29 is also allowable for the same reasons.

With respect to claims 30-35, as claim 29 is allowable, and because claims 30-35 depend from allowable claim 29, Applicant respectfully submits that these claims are also allowable. Applicant also respectfully declines to address each of the rejections of the added elements of these dependent claims without acquiescing to them for the same reasons.

Independent claim 36 was rejected separately from the other claims as being anticipated by Hurtado.

Claim 35 states,

36. In an electronic device containing one or more sets of digitized content stored on a medium, the method of generating table of contents identifiers comprising the steps:

reading table of contents data from the medium;

computing a cryptographic hash value of the concatenation of the lengths of a plurality of tracks on the medium; and

truncating the cryptographic hash value.

The Examiner relies on col. 67, lines 54-65 of Hurtado as disclosing the claimed "reading table of contents data from the medium." Col. 67, lines 54-65 states,

> In an audio CD embodiment, the following codes may be available Universal Price Code (UPC), International Standard Recording Code (ISRC), International Standard Music Number (ISMN). This identifier is read in the appropriate player for the content, for example an audio CD Player for audio CD, DVD player for DVD movie, DAT recorder for DAT recording and equivalent, step 1201. Next this Identifier is used to index a Database 160 for the Content Provider(s) 101, step 1202. Some or all of the information required by the Work Flow Manager Process as described in FIG. 8 is retrieved in Database 160 and any other related sources, step 1203.

This passage relates to an identifier of an entire CD, for example. This identifier is not a table of contents identifier as the identifier only identifies the CD as a whole, but not any sections of the particular content, for example, tracks, on the CD. Accordingly, the cited section of Hurtado does not disclose or suggest the claimed element of "reading table of contents data from the medium" as recited in claim 36.

The next element of claim 36 states, "computing a cryptographic hash value of the concatenation of the lengths of

each track on the medium." The section of Hurtado cited as disclosing "the concatenation of the lengths of each track," col. 14, lines 56-57, states, "Even though the same tools and applications are used to acquire, package, and track Content 113 transactions over various Transmission Infrastructures 107, ..." While this passage does use the word "track," this word is used in Hurtado as a verb and has nothing to do with the lengths of tracks on a medium or the concatenation of such lengths (The quoted claim language is being amended slightly to "the concatenation of the lengths of a plurality of tracks," but this does not change this analysis). Applicant notes that there are discussions of track lengths in Hurtado at, for example, col. 61, line 26 - col. 62, line 11 and col. 64, line 59 - col. 65, line 4. These discussions relate to optionally included metadata for providing enhancements to End-Users. However, these discussions disclose nothing related to concatenating track lengths or computing cryptographic hash value from such a concatenation.

The passage cited by the Examiner with respect to "cryptographic" is a long, ten column section describing the contents of various secure containers (SCs) that are encrypted in general but does not discuss encryption of any specific data from a medium storing digital content and specifically does not discuss encrypting concatenations of track lengths. The two lines cited with respect to a hash value (col. 42, lines 40-41) are taken from a discussion of a generic SC packer where it is noted that information regarding a "part" of an SC that is to be added to an SC by the packer includes a hash value of that

"part." This disclosure does not disclose computing a hash value for a concatenation of track lengths (which is not disclosed at all in Hurtado), either as part of a "part" or separately.

Last, with respect to the "truncating" step, the Examiner cites to sections of Hurtado that discuss cryptology and hash values in the most general terms, not applied to any of the specifics of Hurtado. Neither of these sections of Hurtado, though, relate in any way to the claimed *truncating* of cryptographic hash values in general for the truncating of the particular hash values in claim 36.

In view of the foregoing remarks, it is respectfully submitted that Hurtado does not teach or suggest the invention of claim 36 and the rejection should be withdrawn and the claim allowed.

In view of the foregoing remarks, it is respectfully submitted that this application is now in condition for allowance. Accordingly, reconsideration of the application and allowance of claims 1-36 are respectfully requested.

Applicant also notes that prior to the mailing of the first Office action on June 4, 2004, Applicant filed a Information Disclosure Statement (IDS) along with PTO Form SB/08A/B and the associated cited references on June 27, 2001. Enclosed is a copy of the acknowledged receipt postcard indicating that the Supplemental IDS, the PTO Form and the associated reference were received by the Patent Office on July 2, 2001. Also enclosed

are copies of the Supplemental IDS dated June 27, 2001 and associated PTO Form.

Applicant respectfully requests that the Examiner confirm consideration of the Supplemental IDS of June 27, 2001 with the associated PTO Form and reference, and return an initialed copy of the PTO Form to Applicant's representative.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By _____
Wesley W. Monroe
Reg. No. 39,778
626/795-9900

DJS/kmg
Enclosures: Copy of Acknowledged Receipt Postcard
Copy of Information Disclosure Statement dated June 27, 2001 and associated PTO/SB/08A/B Form
References

MAC IRV1079302.2-*-12/6/04 10:10 AM